ORDER:

Heard both sides.

Challenging the proceedings dated 28.07.2004 of the fifth respondent, whereunder punishment of reduction of basic pay of the petitioner into minimum time scale was imposed, the present Writ Petition is filed.

The only ground urged on behalf of the petitioner is that the punishment imposed by the respondent is not covered by Chapter XIII of the Settlement of Award dated 15.06.1997 under clause (V) (d), which reads “An employee found guilty of gross misconduct may have his increment stopped.”. The impugned order shows that the punishment imposed on the petitioner is reduction of his basic pay into minimum time scale. The petitioner and the respondents are bound by the terms of settlement of award dated 15.06.1997 and so, it is for the employer to take appropriate decision while imposing punishment and if the punishment is not covered by the settlement, the same can not be allowed to stand. The impugned order is liable to be set aside on the sole ground that the punishment is not one of the punishments prescribed in the settlement of award dated 15.06.1997.

The Writ Petition is, accordingly, allowed, setting aside the impugned proceedings and remanding the matter to the disciplinary authority for passing appropriate orders imposing punishment in accordance with the settlement of award, after giving reasonable opportunity to the petitioner. No costs.

(K.C.Bhanu, J.)

08.09.2005

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Issue copy by 12.09.2005

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THE HON'BLE SRI JUSTICE K.C.BHANU

WRIT PETITION No. 13986 of 2004

Date: 08.09.2005

Between:

C.Anantha Reddy, s/o. Kistha Reddy,

Asst. Manager, Karimnagar District Co-operative

Central Bank Limited, Vemulawada branch,

Karimnagar

…Petitioner

and

1)The Commissioner of Co-operation & Registrar

of Co-operative Societies, A.P., Hyderabad & 4 others

…Respondents